

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE:**

**RUSSELL ASHLEY BROOKS  
ALISHA DIANE BROOKS,**

**DEBTORS.**

**Case No.: BK-15-80927-  
Chapter 13**

**COMBINED MOTION AND BRIEF FOR RECONSIDERATION  
OF ORDER APPROVING MODIFIED CHAPTER 13 PLAN**

American Financial Resources, Inc. (“Creditor”) by and through its attorney Matthew J. Hudspeth of Baer & Timberlake, P.C., pursuant to Civ. R. 60 moves this Court for Reconsideration of the Court’s Order on Debtor’s Modified Chapter 13 Plan (Document 119). In support of its Motion, American Financial Resources, Inc. states to the Court as follows:

1. Debtors filed their Motion to Modify Plan on January 18, 2019 (Doc. 108).
2. Debtors filed their Modified Chapter 13 Plan on January 18, 2019 (Doc. 109).
3. Debtors filed their Corrected Notice of Modified Plan and Confirmation Hearing on January 22, 2019 (Doc. 112) giving notice that the confirmation hearing was to be held on March 14, 2019 at 10:00 AM at Ed Edmondson U.S. Courthouse, 101 N. 5<sup>th</sup> St., Muskogee, OK, Bankruptcy Court..
4. Creditor filed its Objection to Modification of Plan on February 1, 2019 (Doc. 116).
5. Order Approving Modified Chapter 13 Plan was filed March 18, 2019 (Doc. 119).
6. This Motion is filed within a reasonable time after the entry of the Order.
7. The confirmation hearing scheduled for March 14, 2019 was appropriately placed on the firm’s spreadsheet containing hearings for that date. However, through mistake,

inadvertence and/or excusable neglect, the undersigned failed to place the hearing on his individual calendar. As a result thereof, the undersigned failed to attend and appear at the confirmation hearing, the Court overruled Creditor's Objection for non-appearance and confirmed the modified Plan.

8. Creditor should be allowed rehearing of its Objection (Doc. 116) based upon the mistake, inadvertence and/or excusable neglect of the undersigned pursuant to Civ. R. 60.

WHEREFORE, Movant prays this Court reconsider the Order on Debtor's Modified Chapter 13 Plan and American Financial Resources, Inc.'s Objection to Modified Chapter 13 Plan entered March 18, 2019 (Document 119), allow Creditor rehearing of its Objection (Doc. 116) and for such further relief as this Court deems appropriate.

American Financial Resources, Inc.,

By: s/ Matthew J. Hudspeth  
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